

**FINDINGS OF CONFORMANCE  
MULTIPLE SPECIES CONSERVATION PROGRAM  
For Landstedt 4-Lot Minor Subdivision  
TPM 21026, ER 06-14-034**

**June 26, 2008**

**I. Introduction**

The proposed project is a minor subdivision for a 6.45 acre property into four parcels ranging in size from 1.07 to 2.11 acres. Proposed Parcels 1 and 2 located along the eastern perimeter of the property contain existing residences that are to remain. Future development of the site would include grading for two building pads and associated driveways, construction of two homes, associate septic systems, and fire clearing around future structures on Parcels 3 and 4. Fuel modification extends offsite to the north and east as a result of the existing residences on Parcels 1 and 2. Access will be provided by private driveways off of Boulder Pass Road. All parcels will have water provided by Alpine Municipal Water District and separate septic systems.

The project site is located approximately 1.3 miles south of Interstate 8, at the eastern terminus of Boulder Pass Road, in the Community of Alpine, within the unincorporated portion of San Diego County (Assessor Parcel Number 404-400-20). This area is located within the Unincorporated Lands in the Metro-Lakeside Jamul Segment of San Diego County's Multiple Species Conservation Program (MSCP).

The Landstedt 4-Lot Minor Subdivision project site is surrounded by residential properties to the north, west, south, and southeast and vacant lands to the immediate east. The only portion of the Landstedt property that is undeveloped is the western portion of the property which is an island between onsite development to the immediate east and offsite development to the north, west, south, and southeast. In addition, the undeveloped land immediately adjacent to the subject property to the east is a Pre-Approved Mitigation Area (PAMA). The existing residence and guest house is located along the eastern perimeter of the property and abuts the adjacent PAMA land to the east. It was noted during the processing of TPM 21026 that offsite fire clearing in excess of 100-feet have occurred within the PAMA land to the east within coastal sage scrub habitat. Approximately 2.23 acres of coastal sage scrub habitat was cleared and will be mitigated at a 1.5:1 mitigation ratio because the offsite area is within PAMA and in a BRCA. Approximately 3.35 acres of Tier II or higher Tier habitat will be mitigated as a separate Code Enforcement case.

Biological surveys were conducted by RC Biological Consulting and summarized in the Biological Letter Report dated January 2008. The site contains 0.36 acre of open Engelmann oak woodland, 0.77 acre of coastal sage scrub, 2.17 acres of disturbed land, and 3.15 acre of developed land. Coastal sage scrub habitat is recognized as a sensitive natural community by the County, the California Department of Fish and Game, and the US Fish and Wildlife Service.

One sensitive plant species and one sensitive wildlife species were detected during field surveys: Engelmann oak (*Quercus engelmannii*) and turkey vulture (*Cathartes aura*). No protocol California gnatcatcher (*Polioptila californica*) surveys were conducted because the species has a low potential to occur onsite due to the lack of suitable habitat, the surrounding development, and an elevation range atypical for this species to occupy. Protocol Quino checkerspot butterfly (*Euphydryas editha quino*) surveys were conducted in 2007 and the results were negative.

The project was previously issued a Certificate of Inclusion (COI) in 2003, which allowed for the removal of 5.0 acres of habitat for the existing residence, guest house, and fire clearing. Approximately 2.17 acres of disturbed land occurs onsite from which approximately 1.49 acres resulted from the property being repeatedly cleared as authorized by the COI. The remaining 0.68 acre exceeds the impacts authorized by the COI. Potentially significant impacts to coastal sage scrub onsite are estimated to include 0.77 acre of coastal sage scrub. Therefore, approximately 1.45 acres (0.77 acre + 0.68 acre) of coastal sage scrub outside of the limits of the COI are considered impacted as a result of the proposed project. No impacts to open Engelmann oak woodland habitat will result from the proposed project because the oaks are retained within the fuel modification zone for the existing residence and have been pruned to fuel management standards and incorporated into the landscaping for the existing residence. Impacts to coastal sage scrub will be mitigated with the offsite purchase of 1.45 acres of Tier II or higher Tier habitat credit located within a Biological Resource Conservation Area (BRCA) in the San Diego County Subarea Multiple Species Conservation Program (MSCP). To minimize potential impacts to sensitive avian species, no brushing, clearing or grading will occur during migratory bird breeding season (February 15<sup>th</sup> through August 31<sup>st</sup>) in the Diegan coastal sage scrub.

Table 1. Impacts to Habitat and Required Mitigation

Habitat Type	Tier Level	Existing On-site (ac.)	Impacts (ac.)	Mitigation Ratio	Required Mitigation
Open Engelmann oak woodland	Tier I	0.36	n/a	1:1	n/a*
Inland coastal sage scrub	Tier II	0.77	0.77	1:1	0.77
Disturbed land (authorized by COI)	Tier IV	1.49	1.49	n/a	n/a
Disturbed land (not authorized by COI) (formerly CSS)	Tier IV	0.68	0.68	1:1	0.68**
Developed	Tier IV	3.15	n/a	n/a	n/a
<b>Total:</b>	--	6.45	2.94	--	1.45

\*Open Engelmann oak woodland habitat is considered impact neutral

\*\*Amount being mitigated as inland coastal sage scrub since it exceeded the amount of clearing authorized by the COI.

The findings contained within this document are based on County records, staff field site visits and the Biological surveys conducted by RC Biological Consulting and summarized in the Biological Letter Report dated January 2008. The information contained within these

Findings is correct to the best of staff's knowledge at the time the findings were completed. Any subsequent environmental review completed due to changes in the proposed project or changes in circumstance shall need to have new findings completed based on the environmental conditions at that time.

The project has been found to conform to the County's Multiple Species Conservation Program (MSCP) Subarea Plan, the Biological Mitigation Ordinance (BMO) and the Implementation Agreement between the County of San Diego, the CA Department of Fish and Game and the US Fish and Wildlife Service. Third Party Beneficiary Status and the associated take authorization for incidental impacts to sensitive species (pursuant to the County's Section 10 Permit under the Endangered Species Act) shall be conveyed only after the project has been approved by the County, these MSCP Findings are adopted by the hearing body and all MSCP-related conditions placed on the project have been satisfied.

## **II. Biological Resource Core Area Determination**

The impact area and the mitigation site shall be evaluated to determine if either or both sites qualify as a Biological Resource Core Area (BRCA) pursuant to the BMO, Section 86.506(a)(1).

### **A. Report the factual determination as to whether the proposed Impact Area qualifies as a BRCA. The Impact Area shall refer only to that area within which project-related disturbance is proposed, including any on and/or off-site impacts.**

The Impact area does not qualify as a BRCA since it does not meet any of the following BRCA criteria:

#### **i. The land is shown as Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.**

The project site is not located in a Pre-Approved Mitigation Area (PAMA) and is located in Unincorporated Lands in the Metro-Lakeside Jamul Segment.

#### **ii. The land is located within an area of habitat that contains biological resources that support or contribute to the long-term survival of sensitive species and is adjacent or contiguous to preserved habitat that is within the Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.**

The project site is immediately adjacent to a PAMA to the east, but the site does not contribute to the long term survival of sensitive species because of the existing conditions. The only portion of the Landstedt property that is undeveloped is the western portion of the property located between offsite residential properties to the north, west, south, and southeast and onsite existing development along the eastern perimeter of the property. In addition, because

the property supports existing development and disturbed land the site has a low potential to support the long-term survival of sensitive species.

- iii. The land is part of a regional linkage/corridor. A regional linkage/corridor is either:**
- a. Land that contains topography that serves to allow for the movement of all sizes of wildlife, including large animals on a regional scale; and contains adequate vegetation cover providing visual continuity so as to encourage the use of the corridor by wildlife; or**
  - b. Land that has been identified as the primary linkage/corridor between the northern and southern regional populations of the California gnatcatcher in the population viability analysis for the California gnatcatcher, MSCP Resource Document Volume II, Appendix A-7 (Attachment I of the BMO.)**

The site is not part of a regional linkage/corridor as identified on MSCP maps nor is it in an area considered regionally important for wildlife dispersal because surrounding properties to the north, west, south, and southeast are lots developed with residential uses. Regional linkages that connect biological resource core areas within the MSCP or provide connection to habitat outside the MSCP are located east of the project site in the PAMA (see Figure 5 of RC Biological Consulting Biological Letter Report, January 2008).

- iv. The land is shown on the Habitat Evaluation Map (Attachment J to the BMO) as very high or high and links significant blocks of habitat, except that land which is isolated or links small, isolated patches of habitat and land that has been affected by existing development to create adverse edge effects shall not qualify as BRCA.**

The MSCP Habitat Evaluation Map identifies the site as low and medium quality. Undeveloped land onsite is adjacent to residential properties to the north, west, south, and southeast and is separated from contiguous, undeveloped habitat of high quality to the east by onsite existing residential development located along the eastern perimeter of the property.

- v. The land consists of or is within a block of habitat greater than 500 acres in area of diverse and undisturbed habitat that contributes to the conservation of sensitive species.**

The site is 6.45 acres and is surrounded by residential properties to the north, west, south, and southeast. The subject property consists of existing development along the eastern perimeter with the remainder undeveloped portion located in the western two-thirds of the site. The northwestern portion of the property is an island of coastal sage scrub surrounded by development and disturbed land. In addition, because the property supports existing development

and disturbed land the site has a low potential to support the long-term survival of sensitive species.

- vi. The land contains a high number of sensitive species and is adjacent or contiguous to surrounding undisturbed habitats, or contains soil derived from the following geologic formations which are known to support sensitive species:**
- a. Gabbroic rock;**
  - b. Metavolcanic rock;**
  - c. Clay;**
  - d. Coastal sandstone**

The remaining coastal sage scrub habitat onsite is adjacent to developed and disturbed land and is separated from contiguous, undeveloped habitat located to the east by existing onsite residential structures located along the eastern perimeter of the property. In addition, because the property supports existing development and disturbed land the site has a low potential to support the long-term survival of sensitive species. No sensitive soils occur on the site. The property has been mapped as Fallbrook rocky sandy loam, 9 to 30 percent slopes, eroded (FeE2) which is not known to support sensitive species.

**B. Report the factual determination as to whether the Mitigation Site qualifies as a BRCA.**

Mitigation will take place offsite with the purchase of credits in a County-approved mitigation bank, within a BRCA. The required mitigation will be a minimum of 1.45 acres of Tier II or higher Tier habitat.

**III. Biological Mitigation Ordinance Findings**

**A. Project Design Criteria (Section 86.505(a))**

The following findings in support of Project Design Criteria, including Attachments G and H (if applicable), must be completed for all projects that propose impacts to Critical Populations of Sensitive Plant Species (Attachment C), Significant Populations of Narrow Endemic Animal Species (Attachment D), Narrow Endemic Plant Species (Attachment E) or Sensitive Plants (San Diego County Rare Plant List) or proposes impacts within a Biological Resource Core Area.

The project does not propose impacts to any of the above resources or resource areas. BMO findings, including design criteria and Attachments G and H, are not applicable and have been deleted from this document.

**B. Preserve Design Criteria (Attachment G)**

In order to ensure the overall goals for the conservation of critical core and linkage areas are met, the findings contained within Attachment G shall be required for all

projects located within Pre-Approved Mitigation Areas or areas designated as Preserved as identified on the Subarea Plan Map.

The site is not within PAMA or designated as a Preserve area.

**C. Design Criteria for Linkages and Corridors (Attachment H)**

For project sites located within a regional linkage and/or that support one or more potential local corridors, the following findings shall be required to protect the biological value of these resources:

The site is surrounded by residential properties to the north, west, south, and southeast. The subject property consists of existing development along the eastern perimeter with the remaining undeveloped portions located in the western portion of the site. The northwestern portion of the property is an island of coastal sage scrub surrounded by developed and disturbed lands. The site does not support any topographical ridgeline or drainages that would support wildlife movement and protection. In addition, the undeveloped portion of the property is separated by existing development onsite from the undeveloped PAMA properties to the east.

**IV. Subarea Plan Findings**

Conformance with the objectives of the County Subarea Plan is demonstrated by the following findings:

**1. The project will not conflict with the no-net-loss-of-wetlands standard in satisfying State and Federal wetland goals and policies.**

No wetlands or wetland habitats are located on the project site. The project will not conflict with state and federal wetland goals or policies.

**2. The project includes measures to maximize the habitat structural diversity of conserved habitat areas including conservation of unique habitats and habitat features.**

The site does not support any unique habitats or habitat features. The loss of 1.45 acres of coastal sage scrub habitat will be mitigated with the preservation of 1.45 acres of equivalent Tier II or higher Tier habitat within a County-approved mitigation bank located within the MSCP.

**3. The project provides for conservation of spatially representative examples of extensive patches of Coastal sage scrub and other habitat types that were ranked as having high and very high biological values by the MSCP habitat evaluation model.**

The project does not propose to impact or conserve areas of high value habitat. The proposed project will result in the loss of 1.45 acres of coastal sage scrub. The purchase of a total of 1.45 acres of habitat within a County-approved mitigation

bank will contribute to the conservation of medium or higher value habitat within the MSCP area.

**4. The project provides for the creation of significant blocks of habitat to reduce edge effects and maximize the ratio of surface area to the perimeter of conserved habitats.**

The project is mitigating for coastal sage scrub habitat offsite within a BRCA and County-approved mitigation bank.

The remaining coastal sage scrub patch onsite is impacted from existing edge effects from surrounding residential properties and disturbances. In addition, existing development is located onsite along the eastern perimeter that separates undeveloped portions of the property from contiguous undeveloped land offsite (PAMA land to the immediate east). Onsite conservation of habitat as part of the proposed project would only create a small block of undeveloped habitat surrounded by development. Offsite mitigation as proposed by the project will facilitate preservation of large blocks of high quality habitat where edge effects are minimal and land is protected in perpetuity.

**5. The project provides for the development of the least sensitive habitat areas.**

The project will impact the entire site including 1.45 acres of coastal sage scrub habitat. Coastal sage scrub is considered sensitive within the MSCP. The project site has been previously disturbed as authorized by the COI with residential development that has fragmented the remaining coastal sage scrub onsite and has limited the value for long-term conservation of sensitive plants or wildlife. Due to existing surrounding land uses, limited connectivity, and edge effects the future development of this site is not considered an impact to sensitive habitat.

**6. The project provides for the conservation of key regional populations of covered species, and representations of sensitive habitats and their geographic sub-associations in biologically functioning units.**

Nine species of Engelmann oaks, a San Diego County List D species, and a turkey vulture, a San Diego County Group 1 species was observed during the site surveys. However, there were no threatened, endangered, narrow endemic or otherwise sensitive plant or wildlife species detected on the project site. Developing the site will not eliminate sensitive habitat or impact key populations of covered species.

**7. Conserves large interconnecting blocks of habitat that contribute to the preservation of wide-ranging species such as Mule deer, Golden eagle, and predators as appropriate. Special emphasis will be placed on conserving adequate foraging habitat near Golden eagle nest sites.**

The coastal sage scrub on the project site is isolated due to surrounding development and disturbances. The existing onsite residential development has further limited connectivity to larger, undisturbed area to the east (PAMA). The site itself is relatively small for larger mammals and raptors to reside permanently. Wildlife that would be expected to travel across the property includes smaller species such as coyotes and ground squirrels that are adapted to residential neighborhoods.

- 8. All projects within the San Diego County Subarea Plan shall conserve identified critical populations and narrow endemics to the levels specified in the Subarea Plan. These levels are generally no impact to the critical populations and no more than 20 percent loss of narrow endemics and specified rare and endangered plants.**

Nine species of Engelmann oaks and a turkey vulture was observed during the site surveys. However there were no critical or narrow endemic plant or wildlife species detected on the site. Most sensitive species have a low potential to be present due to the degraded quality of the existing habitat of the site and surrounding residential properties to the north, west, south, and southeast.

- 9. No project shall be approved which will jeopardize the possible or probable assembly of a preserve system within the Subarea Plan.**

The project site is not within an area of regional significance with regard to future preserve systems, habitat connectivity/linkages, or conservation of sensitive species and habitats because the subject property is located in Unincorporated Lands in the Metro-Lakeside Jamul Segment, is surrounded by residential properties to the north, west, south, and southeast and does not support significant population of plants or wildlife. The MSCP designated PAMA lands to the immediate east of the subject property which will not be affected by this discretionary permit because the proposed development is between onsite existing development and offsite surrounding development. Existing edge effects from the existing development onsite located along the eastern perimeter of the property are already imposed on PAMA lands. Developing the remaining 1.45 acres of coastal sage scrub and the disturbed land onsite will not hinder possible preserve systems.

- 10. All projects that propose to count onsite preservation toward their mitigation responsibility must include provisions to reduce edge effects.**

The site does not propose onsite preservation of habitat. Proposed offsite mitigation will facilitate preservation of large blocks of high quality habitat where edge effects are minimal and land is protected in perpetuity.

- 11. Every effort has been made to avoid impacts to BRCAs, to sensitive resources, and to specific sensitive species as defined in the BMO.**



The project site is not within a BRCA. The project will impact 1.45 acres of coastal sage scrub. Coastal sage scrub is a Tier II habitat and is considered sensitive. However, developing the remaining portions of the site is not considered a significant impact to sensitive habitat because onsite coastal sage scrub habitat is surrounded development and disturbed lands. Offsite PAMA land is located immediately east of the subject property, however existing edge effects from onsite residential development along the eastern perimeter of the property has limited connectivity to the contiguous undeveloped PAMA land. Nine species of the Engelmann oaks and a turkey vulture was observed during the site surveys, however there were no threatened, endangered or narrow endemic plant or wildlife species detected onsite. No significant populations of sensitive species are expected to reside on the property due to the degraded habitat quality, edge effects, and surrounding land uses. The project site as a whole is not considered sensitive, nor are there any particularly sensitive resources present. Avoidance is therefore not necessary and project-related impacts are not considered significant once mitigation pursuant to BMO requirements is incorporated.

Valerie Walsh, Department of Planning and Land Use

June 26, 2008

# MSCP Designation For Landstedt 4-Lot Minor Subdivision TPM 21026, ER 06-14-034

